CHANGES

01 June 2000: Policy implemented

August 2010: Styling revised in line with corporate guidelines

Contacts

If you have any questions regarding this policy please contact the policy team at hrpolicyteam@plymouth.gov.uk

Policies are available in large print, Braille or other languages.

If you would like help understanding the contents of this policy, please speak to your line manager or contact the HR Policy Team for assistance.
CONTENTS

1 Purpose 4
2 Policy statement 4
3 Scope 4
4 Definition of ‘misuse’ 4
5 Aims 4
6 Introduction 5
7 General points to note about the policy 5
8 Recognition 7
9 Procedures – seeking help for yourself 8
10 Colleagues worried about another employee 9
11 Managers who become aware there is a problem 10
12 Employees under the influence of alcohol/drugs/other substances at work 11
13 Procedure for dealing with performance issues relating to misuse or suspected misuse of alcohol/drugs and other substances 12
1 PURPOSE

To set out how to deal with instances of alcohol and drugs misuse at work.

2 POLICY STATEMENT

Plymouth City Council is committed to the promotion of good health amongst its employees. However it recognises that there are health risks, performance, and legal issues associated with drug, alcohol and other substance misuse.

The policy sets out how Plymouth City Council will deal with instances of misuse.

3 SCOPE

The policy applies to all Plymouth City Council employees. The guidelines in the policy will be applied to all employees equally.

The Local Education Authority recommends this policy as good and fair practice for their school based employees. These employees should however refer to their own working practices in the first instance.

4 A DEFINITION OF ‘MISUSE’

The policy refers to misuse of substances, which continually, repeatedly, or intermittently adversely affect the employee’s work performance, their health and safety, and/or the health and safety of colleagues/others in the workplace.

Whilst not practical to give a comprehensive list of substances open to misuse in this policy, those most commonly misused would be alcohol, drugs, (both prescription and illegal) and solvents.

The policy may also be considered useful guidance for dealing with issues such as eating disorders and self-harm.

5 AIMS

- To raise the awareness of employees about the effects and risks of misuse of alcohol, drugs and other substances.
- To make informal and formal assistance and support easily available for employees with misuse problems.
- To offer support to managers, and provide clear and comprehensive guidelines for their action when dealing with issues which arise from the misuse of alcohol, drugs or other substances when these affect the working environment.
- To ensure that the organisation fulfils its legal obligations in respect of e.g. health and safety at work, misuse of drugs, road traffic act, and other relevant legislation.
6 INTRODUCTION

The misuse of alcohol, drugs and other substances can have a serious consequence in the work place, especially when this misuse impairs the professional ability of employees, some of whom may have others in their care.

Plymouth City Council has an obligation to ensure that its employees fully understand:

- What behaviour is deemed to be unacceptable in the work place e.g. arriving at work under the influence of alcohol or drugs or going to a meeting, or meeting clients whilst smelling of alcohol.
- Possession of illegal drugs at work.
- The availability of help, support and advice if needed, and how to access this.
- How issues will be dealt with by managers, and
- How this policy relates to other Plymouth City Council policies and procedures, e.g. managing attendance, disciplinary etc, and when these will be applied.

7 GENERAL POINTS TO NOTE ABOUT THE POLICY

7.1 Consumption of Alcohol/Drugs

Employees should be aware that they have a personal responsibility to ensure that they are fit for work.

An employee who is unfit to carry out their duties because of the effects of alcohol/drugs/other substances will be subject to disciplinary action.

In view of health and safety and other legal implications, employees who operate machinery, drive, or are in direct contact with customers/clients etc should avoid drinking alcohol before starting work, and during working hours.

It is a criminal offence to drive/attempt to drive whilst under the influence of drugs or alcohol.

Some employees may also have codes of conduct defined by their professional organisations, and these should be followed in addition to guidance contained in this policy.

7.2 Consumption of Alcohol during working hours/drinking of alcohol on Plymouth City Council premises

The consumption of alcohol is generally not permitted during working or duty hours whether or not this is on Plymouth City Council premises.

There may be occasions, at the discretion of Assistant Directors and Directors, when the strictly limited consumption of alcohol is approved during working hours e.g. a leaving party for a colleague, a birthday party for a resident/member of staff at a care home. Non alcoholic beverages should always be available on these occasions.
7.3 Lunchtime Drinking

The occasional limited consumption of alcohol during lunch breaks is recognised. Employees must ensure they are fit to carry out their duties upon return to work.

7.4 Encouraging Others to Drink

Individuals have the right to choose for themselves whether or not to drink alcohol. Some cultures and religions forbid the consumption of alcohol and other stimulants. Employees must not encourage others to consume alcohol if this is declined.

7.5 Alcohol on Council Premises

It is recognised that on occasions there may be reasons why unopened containers of alcohol will be on Council premises e.g., purchasing a bottle of wine at lunchtime for accompanying a meal at home later that evening, raffle prizes in a draw, gifts for colleagues.

It will not therefore be a disciplinary offence for an employee to have alcohol on Council premises; however the consumption of alcohol is generally not permitted during working or duty hours.

7.6 Criminal Activity

The police will be informed in all cases where there is evidence to suggest that contravention of the law has occurred in the workplace.

If, as a result of the police being informed, criminal charges are made against the employee, the outcome of this will normally be considered before proceeding further with disciplinary action.

7.7 Confidentiality

The names of employees, who inform managers, departmental HR Advisers, or the occupational health service of suspected drug or alcohol misuse/misuse at work, will be kept confidential.

Asking for help is sometimes the first step in admitting that there is a problem. There is however a fine balance between maintaining total confidentiality, and dealing practically with work place alcohol, drugs and other substances misuse.

On some occasions it may be necessary to involve others in the discussion about how employees remain in the work place whilst support, treatment etc are ongoing. Employees will always be consulted about this and will be supported and encouraged to discuss issues with the relevant people.

Every effort will be made to assist those seeking advice, assistance or treatment to remain in work.

Employees speaking out about fraudulent, criminal or dangerous activities, wrongdoings or malpractice at work now have legal protection under The Public Interest Disclosure Act 1998 (Whistleblowers).

Employees should always use existing internal procedures initially to report instances of the above.
8 RECOGNITION

Guidance for managers and employees on signs of alcohol/drugs or other substance misuse

Managers and employees are advised to read the following information regarding the signs of alcohol/drug misuse. Literature about alcohol/drugs or other substance misuse is available from the occupational health service.

Drugs and alcohol affect the brain and body in many ways. This can influence a person’s behaviour and performance at work, even if the misuse takes place outside of the workplace.

Signs of Alcohol/Drugs or other Substance Misuse

Changes in personality
- Sudden mood changes
- A tendency to become confused
- Unusual irritability or aggression
- Abnormal fluctuations in concentration and energy
- Deterioration/fluctuations in relationships with colleagues, clients, customers or management
- Dishonesty and theft
- Insular behaviour

Sickness and Absence
- Frequent and unexplained absence
- Excessive sickness absence
- Frequent Monday and/or Friday absence
- Leaving work early on a regular basis
- Frequent extended breaks

Work Performance
- Unreliability and unpredictability
- Poor performance
- Difficulty in concentration
- Memory lapses
- Frequent mistakes
- Poor time-keeping and failure to meet deadlines
- Increased absence from work station – e.g., frequent trips to the toilet

Accidents
- Increase in frequency of accidents
- Disregard for safety of self and others

Physical Signs
- Smelling of alcohol
- Obvious signs of intoxication e.g. slurred speech, dilated/constricted pupils, glazed eyes, staggering
- Hand tremors
- Facial flushing
- General neglect of appearance
- Sudden weight gain/loss
- Needle marks
Physical Evidence of Drug Misuse
Scorched tinfoil, tinfoil tubes and matchbox covers
Syringes, needles, needle caps
Scorched spoons
Small mirror, razor, straws
Twists or squares of paper (for holding powder)

It must be noted that these signs may be caused by other factors such as stress or a medical disorder. They should only be regarded as indications that an individual may be misusing drugs or alcohol.

9 PROCEDURES – SEEKING HELP FOR YOURSELF

9.1 General Information

Employees worried about the effect of alcohol/drugs/other substances on their health and/or working life have several options open to them if they wish to seek help.

Every effort will be made to assist those seeking advice, assistance or treatment to remain in work.

Employees will be granted appropriate time off, without pay, for treatment and counselling etc. Absence will be treated in accordance with existing sickness procedures as in the managing attendance relating to sickness absence policy, or other leave as appropriate. Plymouth City Council conditions of service also provide information on the granting of time off for medical appointments.

9.2 External Help

For those who do not wish to seek help in the work place a list of external agencies is attached at appendix B. Plymouth City Council will not contribute to the cost of any treatment /assistance sought.

9.3 Internal Help

Employees may seek internal advice and assistance from:-
- Their Manager.
- Occupational Health.
- Their Departmental HR Adviser.
- Employees may also wish to seek advice/help from their Trade Union.

9.4 Confidentiality

Asking for help is sometimes the first step in admitting that there is a problem. There is however a fine balance between maintaining total confidentiality, and dealing practically with work place alcohol, drugs and other substances misuse.

On some occasions it may be necessary to involve others in the discussion about how employees remain in the work place whilst support, treatment etc are ongoing. Employees will always be consulted about this and will be supported and encouraged to discuss issues with the relevant people.
9.5 From Your Manager

If you are an employee seeking help because your working life is affected by alcohol, drugs or other substances you can contact your manager for advice and assistance.

Your enquiries will be kept confidential, but it may be that reference will need to be made to other Council services e.g. occupational health service. This is because they have professional expertise in dealing with these issues. This will not happen without your knowledge.

You will also receive details of the external help available.

In order that occupational health service have background information managers will complete an occupational health referral form when referring employees. This information will be identified as 'medical in confidence'.

9.6 From Occupational Health

Contact details are contained in appendix A with a brief description of the internal professional help and support available.

9.7 From Your Departmental HR Adviser

Departmental HR Advisers can provide information about internal and external help and support.

Enquiries will be kept confidential, but if work related issues arise, it may be that the relevant manager will need to be involved e.g. in discussion about how work is structured, leave and time off arrangements. This will not happen without your knowledge.

10 COLLEAGUES WORRIED ABOUT ANOTHER EMPLOYEE

10.1 Introduction

Employees may be concerned about the consequences at work of a colleague’s suspected or known misuse of alcohol, drugs or other substances.

Each employee has a responsibility for their own health and safety and that of others at work. If another employee’s actions or behaviour compromise health and safety, this should be brought to the attention of their supervisor/line manager/departmental HR Adviser.

In extreme cases, where there is obvious danger to self or others, e.g. a colleague is driving or operating machinery under the influence of alcohol, this must be brought to the attention of supervisor/line manager/departmental HR Adviser so that immediate action can be taken to prevent breaches of health and safety or injury, or damage etc, occurring.
10.2 Expressing Concern

Employees with concerns about colleagues are encouraged to talk to the individual. This should be done in a private, confidential and non-judgmental way as this is a very difficult area, and great care must be taken to avoid causing distress or offence to colleagues. Attention should be drawn to the list of internal and external help in appendix A and B.

Employees may prefer to outline the reasons for their concern to their line manager, or their departmental HR Adviser. The occupational health service can also offer help and support to employees worried about a colleague.

The identity of those disclosing information in this way will remain anonymous unless agreed between all parties.

11 MANAGERS WHO BECOME AWARE THERE IS A PROBLEM

11.1 Introduction

There are several ways in which managers can become aware that an employee may have a drug or alcohol misuse problem. E.g. confidential information from another employee, a request for help from the individual concerned, observation by the manager, complaint from a customer.

Managers have a duty of care towards those for whom they are responsible at work. This includes safeguarding the health and safety of those in the workplace, as well as supporting employees at work.

Guidance on some of the signs of a possible alcohol/drug problem is given in Section 3.

11.2 If approached by an employee requesting help

- Explain this policy and procedure, and the possible consequences if work is affected.

- Never ignore a potential risk to health and safety e.g., if an employee seeks help in dealing with their drug addiction problem and their job involves driving duties. You may need to consider, in consultation with your departmental HR Adviser and occupational health the temporary reallocation of duties, or even suspension from work until further medical or other expert advice can be obtained.

- Advise the employee to contact the occupational health service, or the departmental HR Adviser as soon as possible, helping to arrange the appointment if necessary. This ensures that confidential professional and medical advice can be given.

- If you do advise an employee to contact the occupational health service you must complete an occupational health referral form. This will ensure that the occupational health service have some details about the circumstances of the referral. The information must be sealed and marked ‘medical in confidence if sent by post internal mail etc.

- Detail of the specialist support organisations in appendix B should also be provided.
- Make a note of the conversation and the advice you have given. Date and sign it. Keep this confidential.

- If you have any concerns that health and safety may be breached, or that a criminal offence may occur, you must take action. You should consult with your departmental HR Adviser in the first instance.

11.3 Review

After 2 weeks speak with the employee to ensure that contact with the occupational health service or departmental HR Adviser has been made.

If this contact has not been made, speak with the employee to find out why not. If the employee does not wish to use the internal help available they should be reminded of where to get external help. Keep a confidential written note of the conversation. Date and sign the note.

11.4 Work Performance Affected

If an employee’s work performance is affected, the procedure contained in the managing performance policy should be followed. See section 5 below.

Under the managing attendance policy reviews are generated by various triggers when sick leave is taken. Those with alcohol/drug misuse problems may also come to notice under this policy.

11.5 Observation by manager/complaint/information from another employee

If there are no immediate health and safety concerns this should be dealt with as a performance issue initially. Further action will be dictated by the seriousness of the issue and the outcome of any meeting to discuss performance.

NB. Remember confidentiality if another employee has expressed concerns/provided information.

A flowchart for managers is shown at appendix D.

12 EMPLOYEES UNDER THE INFLUENCE OF ALCOHOL/DRUGS/OTHER SUBSTANCES AT WORK

It is a disciplinary offence for an employee to be unfit for work because of the influence of alcohol, drugs or other substances.

Any employee who becomes aware that another employee is under the influence of alcohol, drugs/other substances, must inform the Manager immediately. The Manager should then seek support and advice from their Departmental HR Adviser, or other senior member of staff.
The following steps should be considered:—

- Obtain medical attention/advice if necessary e.g. if there is any doubt that the person is ill, rather than under the influence of alcohol/drugs.
- The employee should be sent home, or assisted home if necessary.
- A full investigation will always be carried out by the manager and departmental HR Adviser.
- Information can be obtained from others e.g. witnesses.

Managers should never attempt to formally interview someone who is obviously under the influence of alcohol/drugs or other substances. Written records of the incident must be made as soon as possible afterwards.

There may be occasions, where because of the serious nature of the incident, e.g. if gross misconduct, suspension from work (with pay) is considered. This action must not be taken without the advice of the departmental HR Adviser.

If disciplinary action is necessary this will be in accordance with the Plymouth City Council disciplinary procedure.

If an accident at work has occurred managers should ensure this has been properly reported in line with health and safety advisory note 5/98.

Managers have an obligation to take action when employees are not fit for work, and must never ignore the situation.

13 PROCEDURE FOR DEALING WITH PERFORMANCE ISSUES RELATING TO MISUSE OR SUSPECTED MISUSE OF ALCOHOL/DRUGS AND OTHER SUBSTANCES

There may be occasions when an employee’s performance is not meeting the required standards. In these circumstances, it is essential that a structured process is in place for dealing with any shortcomings which may be identified.

The procedure contained in the managing performance policy and procedure should be followed initially if an employee’s work performance is affected.

All employees have a responsibility to achieve the required level of performance.

When a manager identifies an issue concerning an employee’s performance, they will first have an informal discussion with their own manager to review the actions they intend to take, then discussions must take place with the employee about the shortcomings identified. Managers should ensure that the following are noted:

- Date of the meeting
- Brief details of the discussion including:
  - the shortfall in performance
  - the standard required and any specific objectives to be met
  - the timescale for improvement
• whether referral to occupational health service may be useful
• any agreed action

- The written correspondence must be signed and dated and a copy given to the employee. This will be retained on the employee’s file in case more formal action is subsequently necessary.

- If there has been a referral to the occupational health service, advice may be given to the manager e.g. in respect of timescales for improvement.

- An adequate timescale will be agreed for the employee to improve their performance and an appropriate time will be set for this to be assessed. A date for a further meeting will be fixed to review progress, and the consequences of not achieving the required level of performance will be explained to the employee. This should be recorded and communicated to the employee.

- The manager and employee will need to keep to any agreement made in terms of reviewing progress. An employee is justified in assuming that satisfactory improvements have been made unless the manager advises otherwise within the set timescale.

- If the standard of performance remains unacceptable the matter will be dealt with under Plymouth City Council’s disciplinary procedures.

- At all times where a drug, alcohol or substance misuse issue is identified, managers should liaise closely with their departmental HR Adviser and occupational health service.